

A SUBSTITUTE RESOLUTION

06-R-2684

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO EXECUTE A CONSENT ORDER WITH THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION IN SETTLEMENT OF AN ADMINISTRATIVE ACTION CONCERNING UN-PERMITTED DISCHARGES OF TREATED EFFLUENT AND RE-USE WATER TO THE SOUTH RIVER; DIRECTING THE DEPARTMENT OF FINANCE TO ISSUE PAYMENT IN THE AMOUNT OF \$1,375.00 TO THE STATE OF GEORGIA'S DEPARTMENT OF NATURAL RESOURCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") reported to the Environmental Protection Division ("EPD") an un-permitted discharge of 8,525 gallons of treated effluent at South River WRC effluent pump station due to a fuse malfunction on the electrical panel control into the waters of South River on April 16, 2006; and

WHEREAS, the City reported to the EPD an un-permitted discharge of 4,520 gallons of disinfected re-use water at South River WRC due to damage of the level indicator on the re-use water storage tank into the waters of South River on July 11, 2006; and

WHEREAS, these discharges constituted a major spill under Chapters 391-3-6-05 and 391-3-6-06 of the Georgia rules and regulations for Water Quality Control and are subject to civil penalties under the Official Code of Georgia Annotated 12-5-52(a); and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these discharges did occur; and

WHEREAS, the payment to EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of law by the law of the City, nor does the City by its consent agree to any violations of the state or federal laws or admit any liability to any third party or parties; and

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

That the Mayor, acting on behalf of the City, is authorized to execute a Consent Order issued by the EPD covering these incidents of discharges treated effluent and re-use water from the City to waters of the State at South River.

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City is authorized to issue a check in the amount of One Thousand Three Hundred Seventy-five Dollars and No Cents (\$1,375.00) payable to the Georgia Department of Natural Resources for the purposes described herein.

BE IT FURTHER RESOLVED, That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the first amended consent decree.

AND FINALLY BE IT RESOLVED, That the said payment be charged to paid from Fund, Account and Number 2J01 529017 Q30001.

06.17.001
02.2
Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, S.E., Suite 1152 East Tower, Atlanta, Georgia 30334-9000
Noel Holcomb, Commissioner
Carol A. Couch, Ph.D., Director
Environmental Protection Division
404/656-4713

January 16, 2007

Mr. Rob Hunter, Deputy Commissioner
City of Atlanta
Department of Watershed Management
Suite 54800, City Hall South
55 Trinity Avenue SW
Atlanta, GA 30335-3029

DEPARTMENT OF WATERSHED
MANAGEMENT

2007 JAN 25 AM 10:04

OFFICE OF COMMISSIONER

Dear Mr. Hunter:

RE: Expedited Enforcement Compliance
Order (Order)
No. EPD-PCEP-06-022
South River Water Reclamation Center
(WRC)
NPDES Permit No. GA0024040

The public notice comment period for your proposed Order has ended. No revisions were made to the Order that was transmitted to you. Enclosed is a copy of the executed Order. The City is responsible for transmitting payment in the form of a check, made payable to the Georgia Department of Natural Resources, for \$1,375.00 due 30 days after the execution date of the Order.

Your cooperation in this matter is appreciated.

Sincerely,



Carol A. Couch, Ph. D.
Director

CAC/elw

Enclosure

OFFICE OF COMMISSIONER

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
PERMITTING, COMPLIANCE, AND ENFORCEMENT PROGRAM
4220 INTERNATIONAL PARKWAY, SUITE 101
ATLANTA, GEORGIA 30354

EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: COMPLIANCE ORDER

Permit No.: GA0024040

South River Water Reclamation Center (WRC)
(Name of Facility)

Name of Owner, Operator, or Responsible

Official: Mr. Rob Hunter, Commissioner

Department of Watershed Management

City of Atlanta

(Address)

55 Trinity Avenue S.W., Suite 5400 City Hall South

Atlanta, Georgia 30334-3029

The Environmental Protection Division (EPD) documented that the City of Atlanta (City) experienced two unpermitted discharges of treated effluent at the South River WRC occurring on April 16, 2006, and July 11, 2006. The unpermitted discharges to the waters of the State violate of your NPDES Permit, Chapter 391-3-6, of the Georgia Rules and Regulations for Water Quality Control, and Title 12, Chapter 5 of the Official Code of Georgia Annotated (Code). The following violations noted, in accordance to section 12-5-52, of the Code and its corresponding settlement amount, are listed below:

391-3-6-.06(5)(c) [12-5-52(a)], Settlement \$ 1,000

Nature of Violation: 1 unpermitted discharge of approximately 8,525 gallons of disinfected effluent to the waters of the State (South River) occurring on April 16, 2006 at the South River WRC effluent pump station wet well due to a fuse malfunction on the electrical control panel.

391-3-6-.06(4)(a) [12-5-52(a)], Settlement \$ 375.00

Nature of Violation: 1 unpermitted discharge of approximately 4,520 gallons of disinfected re-use water to the waters of the State (South River) occurring on July 11, 2006 at the South River WRC due to damage of the level indicator on the re-use water storage tank.

TOTAL SETTLEMENT AMOUNT \$1,375.00

The City of Atlanta is hereby ordered to correct the violation and pay the settlement amount.

This Compliance Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the City of Atlanta within 30 days of receipt, this Compliance Order can be withdrawn without prejudice to EPD's ability to file additional enforcement actions for the above violation or any other violations.

Part II: SETTLEMENT AGREEMENT

The Georgia Environmental Protection Division (EPD) offers this Settlement Agreement as an expedited enforcement procedure in order to settle the violation listed in the Compliance Order in Part I of this form subject to the following terms and conditions:

The City of Atlanta, by signing below, certifies under penalty of law that: a) the information submitted in this and all attached documents has been personally examined and that the City of Atlanta is familiar with the information; b) the **CITED VIOLATIONS WILL BE CORRECTED**; and c) payment of the settlement amount in the form of a check made payable to the Department of Natural Resources for \$1,375 will be remitted within 30 days of the execution of the Order.

Upon EPD final approval of this Settlement Agreement, EPD will take no further action against the City of Atlanta for the specific violations described in this Compliance Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any past, present or future violations of the Water Quality Control Rules. This Order does not relieve the City of Atlanta of any obligations or requirements of the Permit.

This Settlement Agreement is binding on EPD and the City of Atlanta once it is signed below. This Settlement Agreement is not negotiable and is effective upon EPD's final approval below. Upon final approval, EPD shall mail a copy of the approved Settlement Agreement to the City of Atlanta signing below.

Final approval of the Settlement Agreement is in the sole discretion of the Director of EPD, or authorized delegate.

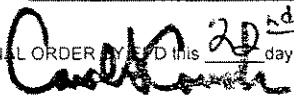
BY (print name): Robert J. Hunter

TITLE: Commissioner

SIGNATURE: 

DATE: November 14, 2006

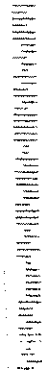
FINAL ORDER: EPD this 20th day of Jan., 2007


Carol A. Couch, Ph. D., Director

COMPLIANCE ORDER NO: EPD-PCEP-06-022

Expedited Enforcement Compliance Order (EECO) No. EPD-PCEP-06-022
City of Atlanta (City)
South River Water Reclamation Center (WRC)

On April 16, 2006, the City released treated effluent from the South River WRC to South River. As the NPDES Permit allows for the treated effluent to be discharged into the Chattahoochee River, any treated effluent discharges from the WRC to South River are unpermitted. The cause of the unpermitted discharge was a fuse malfunction on the electrical control panel of the effluent pump station. In addition, the City released plant re-use water to the South River on July 11, 2006 when the re-use water tank level indicator was damaged. Both items have since been repaired. The Public Notice period for EECO No. EPD-PCEP-06-022 has ended. This EECO is now ready for execution.



DEPARTMENT OF WATERSHED

2007 JAN 25 AM 10: 04



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US POSTAGE
FIRST CLASS
MAIL FROM 30354
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Georgia Department of Natural Resources
Environmental Protection Division, Watershed Protection Branch
4220 International Parkway, Suite 101
Atlanta, Georgia 30354

Mr. Rob Hunter, Deputy Commissioner
City of Atlanta
Department of Watershed Management
Suite 54800, City Hall South
55 Trinity Avenue, SW
Atlanta, Georgia 30335-3029

A RESOLUTION BY

06-R-2684

CITY UTILITIES COMMITTEE

AUTHORIZING PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$ _____ AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS _____ PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experience a violation to the CSO Consent Decree set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in Fund, Account and Center Number 2J01-529017-Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the best interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD).

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That the Chief Financial Officer of the City of Atlanta is authorized to issue checks payable in the amount of \$ _____ to the **State of Georgia** and in the amount of \$ _____ to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental

Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

Section 2: That said payments shall be charged to and paid from Fund, Account and Center Number 2J01 529017 Q30001.

Section 3: That all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, per Section _____ as follows:

CSO Consent Decree Section

Date	Facility	Colonies/100 ml	Penalty	Comment
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